

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**B. Service on the Small Business Administration**

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). To allow Plaintiff to effect service on the SBA through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for the SBA. The Clerk of Court is further instructed to: (1) mark the box on the USM-285 form labeled “Check for service on U.S.A.”; and (2) issue a summons for the SBA and deliver to the Marshals Service a copy of this Order and all other paperwork necessary for the Marshals Service to effect service on the SBA.

If the second amended complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

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<sup>1</sup>Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the second amended complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date a summons is issued.

## II. Conclusion

As discussed, the Court construes Plaintiff's "Motion to Initiate Lawsuit," Dkt. 14, as a second amended complaint. The Clerk of Court is respectfully instructed to (1) issue a summons for the SBA; (2) complete the USM-285 form with the address for the SBA; (3) mark the box on the USM-285 form labeled "Check for service on U.S.A."; and (4) deliver to the U.S. Marshals Service all documents necessary to effect service on the SBA. The Clerk of Court is further respectfully directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: June 14, 2024  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN  
United States District Judge

**SERVICE ADDRESS FOR EACH DEFENDANT**

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